UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LUBOMIR DIMITROV,

Plaintiff, Case No. 05-C-397

v.

FIRST NAME UNKNOWN/MIKUTIS,

Defendant.

OPINION AND ORDER

On April 11, 2005, this court issued an order which required Plaintiff Lubomir Dimitrov, a prisoner in state custody, to remit a partial filing fee of $2.00 within twenty-one days or this case would be dismissed. See 28 U.S.C. § 1915. More than twenty-one days have now passed and the Plaintiff has not paid the partial filing fee. Therefore, the court ORDERS that the Plaintiff's "Petition for Leave to Proceed in Forma Pauperis" (filed April 6, 2005) IS DENIED.

IT IS FURTHER ORDERED that this action is dismissed without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a judgment of dismissal as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

> Plaintiff Lubomir Dimitrov brought this action against Defendant, First Name Unknown/Mikutis, before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the Plaintiff having failed to pay a partial filing fee,
>
> IT IS ORDERED AND ADJUDGED

that this action is dismissed without prejudice.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this _____ day of _____, 2005.

_____
Thomas J. Curran
United States District Judge